

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>FRBP 7001(1) – Recovery of Money/Property</p> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other </div> <div style="width: 48%;"> <p>FRBP 7001(6) – Dischargeability (continued)</p> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(2) – Validity, Priority or Extent of Lien</p> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property</div> <div style="width: 48%;"> <p>FRBP 7001(7) – Injunctive Relief</p> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(3) – Approval of Sale of Property</p> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)</div> <div style="width: 48%;"> <p>FRBP 7001(8) Subordination of Claim or Interest</p> <input type="checkbox"/> 81-Subordination of claim or interest </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(4) – Objection/Revocation of Discharge</p> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)</div> <div style="width: 48%;"> <p>FRBP 7001(9) Declaratory Judgment</p> <input type="checkbox"/> 91-Declaratory judgment </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(5) – Revocation of Confirmation</p> <input type="checkbox"/> 51-Revocation of confirmation</div> <div style="width: 48%;"> <p>FRBP 7001(10) Determination of Removed Action</p> <input type="checkbox"/> 01-Determination of removed claim or cause </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(6) – Dischargeability</p> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <p style="text-align: center;">(continued next column)</p> </div> <div style="width: 48%;"> <p>Other</p> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </div> </div>		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING	DIVISION OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE		PRINT NAME OF ATTORNEY (OR PLAINTIFF)

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In Re: Robin Lynn Clark

Case No. 16-33522

Adversary Case No.

Chapter 7

Debtor.

Judge Whipple

Robin Lynn Clark
6602 Dorr St., Apt. 199
Toledo, OH 43615

**COMPLAINT TO AVOID
TRANSFER; 11 USC 547**

Plaintiff

Benjamin A. Randall (0072436)
448 W. Woodruff Ave.
Toledo, Ohio 43604
419-243-5308 ph.
benjrandall@gmail.com

-vs-

Credit Adjustments, Inc.
C/O
David Cole, Esq.
330 Florence St.
Defiance, Ohio 43512

Defendant.

Plaintiff, Robin Lynn Clark, by and through counsel, Benjamin A. Randall, complaining of the Defendant, alleges:

1. This Court has original jurisdiction over this proceeding under 11 U.S.C. §547 and 1 U.S.C. §522(h). This is a core proceeding.
2. Plaintiff is a debtor in the related Chapter 7 case filed with this Court on November 8, 2016, being Case Number 16-33522. Defendant Credit Adjustments, Inc., is a creditor of the Plaintiff.
3. This is an adversary proceeding to avoid the transfer of property of the estate.
4. On or about June 23, 2016, Defendant Credit Adjustments, Inc., obtained judgement against Plaintiff for \$2,444 plus interest and costs in the Toledo Municipal Court, Case No. 16-01123.
5. During the 90 days preceding the filing of Plaintiff's Petition, Defendant Credit Adjustments, Inc., garnished Plaintiff's wages in the amount of \$1,764.00. Pursuant to 11 USC 547, the transfer is avoidable; the Debtor may ask to avoid the transfer in lieu of the Trustee pursuant to 11 USC 522(h).
4. At the time of filing, Debtor had available exemptions of \$1,675.00.
5. Debtor may claim an exemption of \$1,675.00 in this garnishment.

WHEREFORE, Debtor respectfully requests an Order directing Creditor Credit Adjustments, Inc. to return \$1,675.00 of the garnished funds to him.

Respectfully Submitted,

/s/Benjamin A. Randall (0072436)
Attorney for Plaintiff
448 W. Woodruff Ave.
Toledo, Ohio 43604
Ph. 419.243.5308
benjrandall@gmail.com

<div>Clerk of Court</div> <div>Toledo Municipal Court 555 North Erie Street Toledo, OH 43624</div> <div>Civil Branch (419) 245-1927</div>

Case Number: CVF-16-01123

Party Details

PLAINTIFF CREDIT ADJUSTMENTS INC Attorney: DAVID COLE
DEFENDANT ROBIN CLARK Attorney:
RESPONDENT CITY OF TOLEDO Attorney:

Disbursement Details

Date	Disbursement Type	Check Number	Amount
09/28/2016	Money Judgment DAVID A COLE	194618	\$294.73
10/12/2016	Money Judgment DAVID A COLE	194770	\$294.73
10/12/2016	Money Judgment DAVID A COLE	194770	\$290.33
10/27/2016	Money Judgment DAVID A COLE	194936	\$294.73

Journal Details

Date	Activity Record
01/20/2016	Complaint filed against defendant(s) ROBIN CLARK to recover \$4,362.00 due ON ACCOUNT with interest at 3.00%. MILITARY AFFIDAVIT FILED. Clerk entry
01/27/2016	Summons issued with a copy of the complaint by certified mail to defendant, ROBIN CLARK at 5509 GLENRIDGE DR TOLEDO, OH 43614 with Tracking Number: 7196 9003 2420 0280 3653. Clerk entry
02/08/2016	SUMMONS sent by Certified mail to ROBIN CLARK returned ATTEMPTED NOT KNOWN. Clerk entry
02/08/2016	PLAINTIFF CREDIT ADJUSTMENTS INC's ATTORNEY COLE notified that SUMMONS issued to ROBIN CLARK returned ATTEMPTED NOT KNOWN. Case Continued for Service or Dismissal. Clerk entry
02/26/2016	As to ROBIN CLARK, praecipe for ALIAS complaint filed. Summons and Complaint issued on 02/26/2016 to DFNDT ROBIN CLARK 6602 DORR ST APT 199 TOLEDO, OH 43615 and ISSUED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. Clerk entry
05/04/2016	Praecipe for ALIAS complaint filed. Alias Complaint issued on 05/05/2016 to DEFENDANT ROBIN CLARK 6602 DORR ST APT 199 TOLEDO, OH 43615 Clerk entry
05/05/2016	Summons issued with a copy of the complaint by certified mail to defendant, ROBIN CLARK at 6602 DORR ST APT 199 TOLEDO, OH 43615 with Tracking Number: 7196 9003 2420 0288 1880. Clerk entry
05/12/2016	As To ROBIN CLARK, ALIAS sent to: 6602 DORR ST APT 199 TOLEDO, OH 43615 Certified Mail service Return Receipt Signed. See Green Card. Clerk entry

06/16/2016	As to ROBIN CLARK, MOTION FOR DEFAULT JUDGMENT FILED. JUDGMENT ENTRY TENDERED. Clerk entry
06/16/2016	As to ROBIN CLARK, affidavit filed. Clerk entry
06/16/2016	As to ROBIN CLARK, military affidavit filed. Clerk entry
06/23/2016	As to ROBIN CLARK, Motion for default judgment granted. Judgment Entry Filed. JUDGE CHRISTIANSEN
06/23/2016	As to ROBIN CLARK, the clerk is hereby directed to serve all parties NOT IN DEFAULT IN THE JUDGMENT ENTRY, notice of the judgment and it's date of entry on the journal. JUDGE CHRISTIANSEN
06/23/2016	FINAL AND APPEALABLE NOTICE forms printed and forwarded for service by ordinary mail to: DAVID A COLE, 1 SEAGATE SUITE 1645, TOLEDO, OH 43604, Printed on 06/23/2016 10:46 by user PIETROWSKI,LORRAINE on station 104. Clerk entry
08/01/2016	As to ROBIN CLARK, aid of Execution filed naming respondent CITY OF TOLEDO C/O ATTN: PAYROLL, 1 GOVERNMENT CENTER 640 JACKSON ST FLOOR 20 TOLEDO, OH 43604 ISSUED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. Clerk entry
08/01/2016	As to ROBIN CLARK, Personal identifiers form filed. Clerk entry
08/12/2016	As To ROBIN CLARK, WAGE GARN sent to: CITY OF TOLEDO C/O ATTN: PAYROLL, 1 GOVERNMENT CENTER 640 JACKSON ST FLOOR 20 TOLEDO, OH 43604 Certified Mail service Return Receipt Signed. See Green Card. Clerk entry
08/18/2016	Report filed regarding defendant ROBIN CLARK. Clerk entry
09/02/2016	Garnishment payment of \$294.73 received from CITY OF TOLEDO for Judgment Debtor ROBIN CLARK \$294.73 applied to judgment. Clerk entry
09/16/2016	Garnishment payment of \$294.73 received from CITY OF TOLEDO for Judgment Debtor ROBIN CLARK \$294.73 applied to judgment. Clerk entry
09/30/2016	Garnishment payment of \$290.33 received from CITY OF TOLEDO for Judgment Debtor ROBIN CLARK \$290.33 applied to judgment. Clerk entry
10/14/2016	Garnishment payment of \$294.73 received from CITY OF TOLEDO for Judgment Debtor ROBIN CLARK \$294.73 applied to judgment. Clerk entry
10/31/2016	Garnishment payment of \$294.74 received from CITY OF TOLEDO for Judgment Debtor ROBIN CLARK \$294.74 applied to judgment. Clerk entry

Suit Amount
Suit Amount: \$4,362.00
Total Court Costs: \$181.00